



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

Mr. Cole Abrams
Senior Manager of Facilities and EHS
AgustaWestland Corp.
3076 Red Lion Road
Philadelphia, PA 19114

Re: Notice of Violation
Compliance Evaluation Inspection
March 16, 2015
EPA ID No. PA-R090516534

Docket Number: R3-15-NOV-RCRA-17

Dear Mr. Abrams:

On March 16, 2015, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Pennsylvania Solid Waste Management Act (SWMA), as amended, 35 P.S. 6018.101 - 6018.1003, and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq, at your facility. A copy of the inspection report is enclosed. Based on that inspection and/or review of other pertinent information, EPA has determined that the AgustaWestland Corp. (the Facility) is violating regulations promulgated under the Pennsylvania SWMA and RCRA. As a result of this finding, the Agency is issuing this Notice of Violation (NOV). The specific violations are:

1. Two satellite containers in the paint mix room, one accumulating waste paint and the other one accumulating paint debris, were observed to be open at the time of the inspection. 25 PA 265a [40 CFR 265.173(a)] which requires the container be close during storage except when necessary to add or remove waste.
2. At the time of the inspection all of the satellite containers in the paint mix room were not labeled "hazardous waste" or word that describe their contents, as required by 25 PA 262a [40 CFR 262.34(c)(1)(ii)].
3. The facility managers, who are assigned to be Emergency Coordinator in the Contingency Plan, did not have these duties documented in their job descriptions and receive annual training as required by 25 PA 265a [40 CFR 265.16].

Within twenty (20) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Response to this NOV shall be addressed to:

Kenneth J. Cox
Land and Chemicals Division (31.C70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

April 23, 2015
Date

Enclosure


M. Gross, PA/DEP (Central Office) w/emc.